IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA	)	CRIM. NO. 2:17-cr-302
	)	
v.	)	18 U.S.C. § 1035(a)(2)
	)	18 U.S.C. § 1347
	)	18 U.S.C. § 1028A(a)(1)
GENA C. RANDOLPH	)	18 U.S.C. §§ 982(a)(7)
	)	28 U.S.C. § 2461(c)
	)	
	)	INDICTMENT

COUNT 1
(Health Care Fraud)

THE GRAND JURY CHARGES:

INTRODUCTION

1. The Medicare Program (Medicare) is a health care program providing benefits to persons who are over the age of 65 or disabled. Medicare is administered by the Centers for Medicare and Medicaid Services (CMS), an agency under the United State Department of Health and Human Services (HHS). Individuals who receive benefits under Medicare are referred to as Medicare "beneficiaries." Medicare is a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

2. The South Carolina Medicaid Program (Medicaid), administered by the South Carolina Department of Health and Human Services (SCDHHS), pays for certain health care services for low-income and other citizens who qualify under state guidelines. The Medicaid program is funded jointly by the State of South Carolina and HHS, acting

through CMS. Medicaid is a "health care benefit program," as defined by Title 18, United States Code, Section 24 (b), and a "federal health care program," as defined by Title 42, United States Code, Section 1320a-7b(f)(2).

3. Providers of health care services who wish to be receive Medicare and Medicaid payments must first be enrolled in the Medicare and Medicaid programs. Once approved, providers are issued provider identification numbers. A provider can then submit bills, known as "claims," to Medicaid or Medicare for services provided to beneficiaries or recipients.

4. At all times relevant, GENA C. RANDOLPH was a speech language pathologist, and the principal owner of Palmetto Speech and Language Associates, LLC ("Palmetto Speech") and Per Diem Healthcare Services Inc. ("Per Diem").

5. Beginning on or about October 15, 2012, GENA C. RANDOLPH was excluded from billing the South Carolina Medicaid Program for any services provided to a Medicaid beneficiary. The exclusion was based on her conviction for Filing of False Claims with the South Carolina Medicaid Program.

6. Beginning on or about February 20, 2013, GENA C. RANDOPLH was excluded from all Federal health care programs, including Medicare. As an excluded person, RANDOLPH was prohibited from working for any provider to perform services paid for, in whole or in part, by any Federal health care program, including Medicare and Medicaid.

THE SCHEME AND ARTIFICE TO DEFRAUD

7. Beginning on or about May 20, 2012, the defendant, GENA C. RANDOLPH, devised a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

8. It was part of the scheme that RANDOLPH would disguise her ownership in and management of Palmetto Speech and Per Diem, both of which were submitting claims to the Medicare or Medicaid programs, because her exclusion from Federal health care programs would preclude her from owning or managing such companies.

9. It was further part of the scheme that RANDOLPH would submit false and fraudulent Medicare and Medicaid claims as if the therapy had been provided by another speech therapy provider, when in fact they were provided by RANDOLPH, who at that time was excluded from submitting such claims.

10. It was further part of the scheme that RANDOLPH would submit or cause to be submitted false claims for speech therapy services that had not actually been performed by anyone, including claims for services to beneficiaries who were dead.

11. From on or about May 20, 2012, and continuing until the date of this Indictment, in the District of South Carolina and elsewhere, the defendant, GENA C. RANDOLPH, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud Medicare and Medicaid, health care benefit programs as defined in Title 18, United States Code, Section 24(b), and to obtain, by means of materially false and fraudulent pretenses, representations, and promises,

money and property owned by and under the custody and control of the Medicaid and Medicare programs, in connection with the payment for health care benefits, items, and services, in that GENA C. RANDOLPH did submit and cause to be submitted false and fraudulent claims for speech therapy services.

All in violation of Title 18, United States Code, Section 1347.

COUNT 2
(Aggravated Identity Theft)

THE GRAND JURY FURTHER CHARGES:

Beginning in or about May 20, 2012, and continuing until the date of this Indictment, in the District of South Carolina, the Defendant, GENA C. RANDOLPH, during and in relation to the felony violation of Title 18, United States Code, Section 1347, as specified in Count 1, did knowingly possess and use, without lawful authority, means of identification of other persons known to the Grand Jury, namely, Medicare and Medicaid providers and beneficiaries in whose names RANDOLPH submitted claims for speech therapy services that were not provided as claimed.

In violation of Title 18 United States Code, Section 1028A(a)(1).

COUNT 3
(False Statements Relating to Health Care Matters)

On or about April 4, 2013, in the District of South Carolina, the Defendant, GENA C. RANDOLPH, knowingly and willfully made and used a materially false writing and document, namely, a Disclosure of Ownership Form for Per Diem, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving Medicaid, a health care benefit program as defined in 18 U.S.C. § 24(b), in that she did cause to be sent to SCDHHS a Disclosure of Ownership Form for Per Diem which falsely stated that S.C. was the principal owner of Per Diem when in fact the principal owner was RANDOLPH.

In violation of Title 18 United States Code, Section 1035(a)(2).

COUNT 4
(False Statements Relating to Health Care Matters)

On or about April 12, 2013, in the District of South Carolina, the Defendant, GENA C. RANDOLPH, knowingly and willfully made and used a materially false writing and document, namely, an email and attached Disclosure of Ownership Form for Palmetto Speech, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving Medicaid, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of Title 18, United States Code, Section 1035(a)(2), in that she did cause to be sent to SDCHHS an email and attached form which falsely stated that:

a. RANDOLPH was no longer affiliated with Palmetto Speech when in fact she was;

b. The email was sent by C.S., when in fact C.S. did not author or send the email; and

c. K.A. was the principal owner of Palmetto Speech when in fact the principal owner was RANDOLPH.

In violation of Title 18 United States Code, Section 1035(a)(2).

COUNT 5
(False Statements Relating to Health Care Matters)

On or about September 15, 2013, in the District of South Carolina, the Defendant, GENA C. RANDOLPH, knowingly and willfully made and used a materially false writing and document, namely, a Disclosure of Ownership Form for Palmetto Speech, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving Medicaid, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of Title 18, United States Code, Section 1035(a)(2), in that she did cause to be sent to SCDHHS a form which falsely stated that S.W. and K.A. were the principal owners of Palmetto Speech when in fact the principal owner was RANDOLPH.

In violation of Title 18 United States Code, Section 1035(a)(2).

COUNT 6
(False Statements Relating to Health Care Matters)

On or about November 18, 2013, in the District of South Carolina, the Defendant, GENA C. RANDOLPH, knowingly and willfully made and used a materially false writing and document, namely, a letter purportedly signed by S.W., knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving Medicaid, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of Title 18, United States Code, Section 1035(a)(2), in that she did cause to be sent to SDCHHS a letter with the forged signature of S.W, which falsely stated that S.W. was the legal owner of Palmetto Speech and that RANDOLPH had no financial interest in Palmetto Speech when in fact S.W. had no ownership interest in Palmetto Speech and RANDOLPH was the principal owner.

In violation of Title 18 United States Code, Section 1035(a)(2).

FORFEITURE

A. HEALTH CARE FRAUD/FALSE STATEMENTS:

Upon conviction for violations of Title 18, United States Code, Sections 1035 and 1347 as charged in this Indictment, the Defendant, **GENA C. RANDOLPH**, shall forfeit to the United States any property, real or personal, constituting, derived from or traceable to proceeds the Defendant obtained directly or indirectly as a result of such offenses, pursuant to 18 U.S.C. § 982(a)(7) and 28 U.S.C. § 2461(c).

B. PROPERTY:

The property subject to forfeiture includes, but is not limited to, the following:

Cash Proceeds/Money Judgment:

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offenses charged in this Indictment, and all interest and proceeds traceable thereto, in that such sum equals property, that the Defendant obtained as the result of his violations of 18 U.S.C. §§ 1035 and 1347.

C. SUBSTITUTION OF ASSETS:

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;
(b) has been transferred or sold to, or deposited with, a third person;
(c) has been placed beyond the jurisdiction of the Court;
(d) has been substantially diminished in value; or
(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. 853(p), to seek forfeiture of any other property of the Defendant up to an amount equivalent to the value of the above-described forfeitable property;

Pursuant to Title 18, United States Code, Sections 982(a)(7) and Title 28, United States Code, Section 2461(c).

A True BILL

[redacted]

FOREPERSON

Nathan Williams for
BETH DRAKE (EJK)
UNITED STATES ATTORNEY